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March 24, 1995

Mr. Bill Caton, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FCC MAIL ROOM

RE: Comments on NPRM (FCC95-46), Report No. DC95-28, ET Docket 95-19.

Gentlemen:

Part 15, Subpart J/B has been effective for many years and is a success in that it has dramatically reduced the emissions produced by personal computers and peripherals. This has not been accomplished by educating digital engineers in the art and science of electromagnetics but more like how cattle learn to avoid an electric fence. Some of the factors which make up the program which might account for it's success are as follows.

1. Requirements, standards, procedures & limits.
2. Qualification of OATS & Labs.
3. Administrative requirements.
4. Review of applications by FCC engineers to verify test results and reality.
5. Post Certification Labels, Marking & instruction warnings.
6. Enforcement.

Let's look at the contribution made by each of these areas. The first is very important. Through the years changes and improvements have been made in procedures and requirements. The adoption of C63.4 was a great step forward in the standardization of test procedures.

The steps and results reported in qualifying a site not only tells the FCC reviewing engineer the relative merit of the site but also gives him a pretty good idea of the competence of the engineer in charge of the testing. This, by the way, is, at the present time the best indication of the competence and capability of that particular Lab to test equipment adequately.

The administrative requirements are necessary to keep one on the right road but should not be as oppressive as they sometimes have become. Some examples of what I think of as administrative abuse are: 1. The delay of applications because of items that are as petty as the label contained the FCC identification number in the form: "FCC ID # XXXX" rather than: "FCC ID: XXXX". 2. The addition of one or more pages to Government documents to extol the merits of the "Paperwork Reduction Act" and the "Privacy Act of 1974"(we cannot blame this on the Certification program). 3. One of the most recent irritations is the "FCC Remittance Advice"

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Form 159 which contains mostly unused spaces and which, though furnished by the FCC Lab, it does not accept. The seemingly unimportant, hard-and-fast administrative requirements, sometimes administered by incompetent people, have caused many, many delays in the Certification pipeline. It is my opinion that this area should become a prime candidate to be considered for streamlining the regulatory process.

The review of applications by FCC engineers can establish not only the reality of data but the competence of the product evaluation. This is the most important feature of the present system besides realistic testing and has without a doubt has been the most significant factor in making the program successful. If there is no watchman, it is human nature to at least think about cheating. If this review is eliminated, Part 15 may as well be stricken from the books.

The requirements for proper labeling and instruction of the user in operation of the equipment is a good idea but one which seldom has an observable effect except as an enforcement aid to establish whether the product has been Certified.

Enforcement is very important in it's present form and I think it has contributed to the success of the program more than is realized. Customers ask our clients for conforming products. This is especially important for Class A products where the risk of fines is lower than with Certified products. I have been told a number of times by manufacturers of Class A products that their products are being tested only because their customers demand it.

I think we have an acceptable system and we should not change it. A system such as the "Declaration of Conformity" (DoC) idea can change this for the worse. I have dealt with regulatory testing for over twenty years, and have been propositioned to falsify data many times. I know the "bottom line" mentality of many managers in industry. I have been told by prospective clients many times in no uncertain terms all he wants is a passing test report and he could care less whether the item passes or fails. This does not mean that the present system is perfect, but test data is presently at least reviewed by engineers at the FCC Lab. In the test business, there are fails and there are passes. With the DoC system most everything may appear to pass.

I dislike the idea of the mandatory NVLAP accreditation. If the present method of determination of the qualifications of a lab and it's employees was faulty, the program would not have been the success it has been. As a Professional Engineer for more than thirty five years I have pledged: 1. Integrity and honesty in what I do, 2. That I am competent in the area of work which I accept and 3. That I will be dedicated to the satisfactory completion of the work. What else is needed?

In my estimation of the Part 15 J/B program, we have a good system. Let's not mess it up by trimming the wrong things out of it.

Yours truly,

A handwritten signature in cursive script that reads "Gaines M. Crook". The signature is written in dark ink and is positioned above the printed name.

Gaines M. Crook, P.E.